

4. Attached hereto and incorporated by reference is these Defendants' affidavit for attorney fees and costs.

WHEREFORE, PREMISES CONSIDERED, Defendants SISD and Bain pray that, based on the Court's findings and conclusions in its Order signed October 7, 2009, in which Defendants SISD and Bain were determined to have prevailed, and that Plaintiffs' claims against these Defendants are frivolous, unreasonable, and without foundation or merit, that they and each of them be awarded reasonable attorney fees and costs of court from these Plaintiffs in the amounts indicated in the attached affidavit.

Respectfully submitted,

WELLS, PEYTON, GREENBERG
& HUNT, L.L.P.

/s/ Tanner T. Hunt, Jr.

By: _____

Tanner T. Hunt, Jr.
Texas Bar No. 10294000
Frances R. Broussard
Texas Bar No. 2405521
P. O. Box 3708
Beaumont, Texas 77704
(409) 838-2644
(409) 838-4713

ATTORNEYS FOR DEFENDANTS
SILSBEE INDEPENDENT SCHOOL
DISTRICT AND RICHARD BAIN, JR.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2009, this document was electronically filed with the Clerk of the Court of the U.S. District Court, Eastern District of Texas, using the electronic filing system of the Court. The electronic filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice by electronic means, in compliance with Local Rule CV-5(a) of the U.S. District Court of the Eastern District of Texas.

/s/ Tanner T. Hunt, Jr.

Tanner T. Hunt, Jr.